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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 J.P. MORGAN CHASE BANK, INC.,
12 Plaintiff,
13 v.
14 EDWARD MURRAY, III,
15 Defendant.

Case No. 11cv2719 BTM(NLS)

ORDER REMANDING CASE

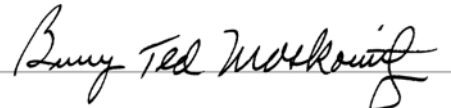
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17 On November 17, 2011, Edward Murray filed a Complaint in this Court in addition to
18 a Notice of Removal. The Notice of Removal pertains to an unlawful detainer action that was
19 filed in state court.

20 However, the Court lacks removal jurisdiction over this action. This unlawful detainer
21 action arises under state law and does not require resolution of a substantial question of
22 federal law. See U.S. Bank Nat'l Ass'n v. Lasoff, 2010 WL 669239 (C.D. Cal. Feb. 23, 2010)
23 (holding that unlawful detainer action did not raise a federal question); HSBC Bank USA, NA
24 v. Valencia, 2010 WL 546721 (E.D. Cal. Feb. 10, 2010) (remanding unlawful detainer action);
25 Wells Fargo Bank, Nat'l Ass'n v. Cencil, 2010 WL 2179778 (N.D. Cal. May 27, 2010)
26 (granting motion to remand unlawful detainer action). Any federal defenses or counterclaims
27 Defendant may wish to bring do not give rise to federal question jurisdiction. Franchise Tax
28 Bd. v. Constr. Laborers Vacation Trust, 463 U.S. 1, 14 (1983) (explaining that a case may
not be removed to federal court on the basis of a federal defense).

1 The removing defendant always has the burden of establishing that removal is proper,
2 and the court resolves all ambiguity in favor of remand to state court. Gaus v. Miles, Inc.,
3 980 F.2d 564, 566 (9th Cir. 1992). Murray has not satisfied his burden. Therefore, the
4 Court **REMANDS** this action to the Superior Court of California, County of San Diego.

5 **IT IS SO ORDERED.**

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7 DATED: December 8, 2011

8 
9 Honorable Barry Ted Moskowitz
10 United States District Judge
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